



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII

IN THE MATTER OF:

Hansen Container Site
Grand Junction, Mesa County, CO

Proceeding under Section 122(g)(4)
of the Comprehensive Environmental
Response, Compensation, and
Liability Act of 1980, as amended,
42 U.S.C. Section 9622(g)(4)

EPA Docket No.
CERCLA-VIII-95-13

ADMINISTRATIVE ORDER ON CONSENT

DE MINIMIS SETTLEMENT

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Attachment A - List of Respondents

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I. JURISDICTION

1. This Administrative Order on Consent ("Consent Order") is issued pursuant to the authority vested in the President of the United States by section 122(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), Pub. L. No. 99-499, 42 U.S.C. section 9622(g)(4), to reach settlements in actions under section 106(a) or 107(a) of CERCLA, 42 U.S.C. section 9606(a) or 9607(a). The authority vested in the President has been delegated to the Administrator of the United States Environmental Protection Agency ("EPA") by Executive Order 12580, 52 Fed. Reg. 2923 (Jan. 29, 1987) and further delegated to the Regional Administrators of EPA by EPA Delegation No. 14-14-E (issued Sept. 13, 1987, amended by memorandum June 17, 1988).

2. This Consent Order is issued to the parties listed in Attachment A to this Order ("Respondents"). Each Respondent agrees to undertake all actions required by the terms and conditions of this Consent Order. Each Respondent further consents to and will not contest EPA's jurisdiction to issue this Consent Order or to implement or enforce its terms.

II. DEFINITIONS

3. Unless otherwise expressly provided herein, terms used in this Consent Order which are defined in CERCLA or in regulations promulgated under CERCLA shall have the meanings assigned to them in CERCLA or in such regulations. Whenever terms listed below are used in this Consent Order or in the Attachments attached hereto, the following definitions shall apply:

"Base Amount" shall mean the product of the Respondent's contribution of hazardous substances to the Hansen Container site (hereinafter, the "Site") and the per drum cost of cleanup of those hazardous substances. The per drum cost of cleanup was computed by dividing the estimated Response Costs for cleanup at the Site by the Total Number of Drums of Hazardous Substances.

"Consent Order" or "Order" shall mean this Order and all Attachments to this Order, which are incorporated hereunder. In the event of conflict between this Order and any Attachment, this Order shall control.

"Day" shall mean a calendar day unless expressly stated otherwise herein. In computing any period of time under this Order, where the last day would fall on a Saturday, Sunday, or Federal holiday, the period shall run until the close of business on the next working day.

"Drum" shall mean a 55 gallon drum. Where information is available which indicates that the drums shipped to the site were other than 55 gallons in size, a calculation shall be made converting that drum to a fraction of a 55 gallon drum.

"EPA" shall mean the United States Environmental Protection Agency and any successor departments or agencies of the United States.

"Future Response Costs" shall mean all response costs, including, but not limited to, direct and indirect costs, that the United States and any other person incur in connection with the Site after September 30, 1994.

"Past Response Costs" shall mean all response costs, including but not limited to, direct and indirect costs and interest that the United States has incurred with regard to the Site prior to and including September 30, 1994.

"Response Costs" shall mean the estimated total dollar amount for all response actions at the Site, including, but not limited to, Past Response Costs and Future Response Costs. The Response Costs are \$6.0 million.

"Respondents" shall mean all parties identified in Attachment A to this Consent Order.

"Settlement Amount" is the total amount each Respondent is obligated to pay, as identified in Attachment B to this Consent Order. The Settlement Amount is equal to the Respondent's Base Amount plus the product of the Respondent's Base Amount and the premium.

"Site" shall mean the Hansen Container site, encompassing approximately eight acres, located in Grand Junction, Mesa County, Colorado.

"Total Volume of Hazardous Substances" shall mean the cumulative amount of hazardous substances accounted for on the Volumetric Ranking Report, attached to this Order as Attachment B.

"United States" shall mean the United States of America, including its agencies, departments, and instrumentalities, except for the United States Department of Defense, United States Department of Energy, United States Bureau of Reclamation, the General Services Administration, and the National Aeronautics and Space Administration.

III. STATEMENT OF FACTS

4. The Site is located at 530 Lawrence Avenue in Grand Junction, Mesa County, Colorado. The Site was operated as a drum recycling facility from the mid-1960s through 1989. The Site is bordered by Southern Pacific Lines to the east, a salvage and scrap yard to the southwest, and residential areas to the north and west. The Site is situated within the floodplain for the Colorado river which is located one half mile from the Site. The Site is not included on the National Priorities List.

5. Hazardous substances within the definition of section 101(14) of CERCLA, 42 U.S.C. section 9601(14), have been or are threatened to be released into the environment at or from the Site.

6. As a result of the release or threatened release of hazardous substances into the environment, EPA has undertaken response action at the Site under section 104 of CERCLA, 42 U.S.C. section 9604, and may undertake further response actions in the future. Removal actions undertaken to date include: site fencing; bulking and disposal of drummed waste material; decontamination and disposal of drums; excavation, consolidation, fixation, stabilization, and solidification of approximately 10,000 cubic yards of contaminated soil.

7. In conducting this response action, EPA has incurred and will continue to incur response costs at or in connection with the Site. Costs incurred with respect to the Site as of September 30, 1994, are approximately \$2.35 million.

8. Information currently known to EPA indicates that the amount of hazardous substances contributed to the Site by each Respondent listed in Attachment A does not exceed 2.1 % of the hazardous substances estimated to be present at the Site as of the effective date of this Consent Order, and that the hazardous substances contributed by each Respondent to the Site are not significantly more toxic or of significantly greater hazardous effect than other hazardous substances at the Site.

9. In evaluating the settlement embodied in this Consent Order, EPA has considered the potential costs of cleaning up contamination at or in connection with the Site, taking into account possible cost overruns.

10. Payments required to be made by each Respondent pursuant to this Consent Order are a minor portion of the total Response Costs at the Site which EPA, based upon currently available information, estimates to be \$6.0 million.

11. EPA has identified persons other than the Respondents who owned or operated the Site, or who arranged for disposal or treatment, or arranged with a transporter for disposal or treatment, of a hazardous substance owned or possessed by such person at the Site, or who accepted a hazardous substance for transport to the Site. EPA has considered the nature of its case against these non-settling parties in evaluating the settlement embodied in this Consent Order.

IV. DETERMINATIONS

12. Based upon the Statement of Facts set forth above and on the administrative record for this Site, EPA has determined that:

a. The Hansen Container site is a "facility" as that term is defined in section 101(9) of CERCLA, 42 U.S.C. section 9601(9).

b. Each Respondent is a "person" as that term is defined in section 101(21) of CERCLA, 42 U.S.C. section 9601(21).

c. There has been an actual or threatened "release" of a hazardous substance at or from the Site as that term is defined in section 101(22) of CERCLA, 42 U.S.C. section 9601(22).

d. Prompt settlement with Respondents is practicable and in the public interest within the meaning of section 122(g)(1) of CERCLA, 42 U.S.C. section 9622(g)(1).

e. This Consent Order involves only a minor portion of the response costs at the Site pursuant to section 122(g)(1) of CERCLA, 42 U.S.C. section 9622(g)(1).

f. The amount of hazardous substances contributed to the Site by each Respondent and the toxic or other hazardous effects of the hazardous substances contributed to the Site by each Respondent are minimal in comparison to other hazardous substances at the Site pursuant to section 122(g)(1)(A) of CERCLA, 42 U.S.C. section 9622(g)(1)(A).

g. The settlement embodied in this Consent Order is fair, reasonable, and consistent with CERCLA.

V. ORDER

13. Based upon the administrative record for this Site and the Statement of Facts and Determinations set forth above, and in consideration of the promises and covenants set forth herein, it is hereby AGREED TO AND ORDERED:

VI. PAYMENT

14. Each Respondent shall pay a "premium for settlement" to the United States in an amount equal to 30% (.3) of the Respondent's Base Amount.

15. Each Respondent shall pay to the Hazardous Substance Superfund the applicable Settlement Amount within 60 days of the effective date of this Consent Order. Notwithstanding any other provision of this Order as to the Respondents, in the event that any Respondent fails to complete payment of its respective share into the Hazardous Substance Superfund within 60 days of the effective date of this Order, EPA in its unreviewable discretion may determine the settlement is null and void as to that Respondent.

16. The Settlement Amount to be paid by each Respondent includes a payment for, among other things: (a) Past Response Costs incurred at or in connection with the Site; and, (b) projected Future Response Costs to be incurred at or in connection with the Site. The Settlement Amount also includes a premium payment. Settlement Amounts paid by each Respondent under the Consent Order are not fines, penalties, or monetary sanctions.

17. All payments made by Respondents, including any interest thereon that may be due and payable pursuant to Section VI, Paragraph 18 of this Order, shall be made by certified or cashier's check or by electronic transfer made payable to "EPA-Hazardous Substance Superfund." Each check or electronic transfer shall reference the site name (Hansen Container), the name and address of the Respondent, EPA CERCLA Site Number B2, and the EPA docket number for this action (CERCLA-VIII-95-13). Checks shall be sent to:

Mellon Bank
EPA Region VIII
Attn: Superfund Accounting
Post Office Box 360859M
Pittsburgh, PA 15251

Electronic transfers:

Specific instructions on how to make a wire transfer, or an electronic funds transfer, are attached to this Order (see attachment C). Failure to follow these instructions will result in funds not being received by EPA.

Copies of checks and evidence of electronic transfers shall be sent simultaneously to:

Maureen O'Reilly (8HWM-ER)
Enforcement Specialist
U.S. EPA, Region VIII
999 18th Street, Suite 500
Denver, CO 80202-2466

18. Interest on all payments required by Section VI, Paragraph 15 of this Order shall begin to accrue upon the effective date of this Consent Order, at the rate established pursuant to section 107(a) of CERCLA, 42 U.S.C. section 9607(a). In the event that any payment required of any Respondent by section VI, Paragraph 15 of this Order is not made within 60 days of the effective date of this Order, such Respondent shall pay accrued interest on the unpaid balance. Interest on any payment required of any Respondent shall be compounded annually. On October 1st of each subsequent fiscal year, any unpaid balance shall begin accruing interest at a new rate to be determined by the Secretary of the Treasury. Interest shall accrue through the date of Respondent's payment. Accrued interest shall be paid to the Hazardous Substance Superfund in the manner described in Section VI, Paragraph 17 of this Order. Payments of interest made under this Paragraph shall be in addition to any remedies or sanctions available to EPA by virtue of any Respondent's failure to make timely payments under this section.

VII. CIVIL PENALTIES

19. In addition to any other remedies or sanctions available to EPA, any Respondent who fails or refuses to comply with any term or condition of this Consent Order shall be subject to a civil penalty of up to \$25,000 per day pursuant to section 122(1) of CERCLA, 42 U.S.C. section 9622(1), for each such failure or refusal.

VIII. CERTIFICATION OF RESPONDENTS

20. Each Respondent hereby certifies individually that, to the best of its knowledge and belief, it has conducted a thorough, comprehensive, good faith search for documents and has fully and accurately disclosed to EPA all information currently in its possession, or in the possession of its officers, directors, employees, contractors or agents, which relates in any

way to the ownership, operation, generation, treatment, transportation, storage, or disposal of hazardous substances at or in connection with the Site. Each Respondent further certifies, individually, that it has not altered, mutilated, discarded, destroyed, or otherwise disposed of any records, documents, or other information relating to its potential liability regarding the Site since notification of potential liability or the filing of a suit against the Respondent regarding the Site and that it has fully complied with any and all EPA requests for information pursuant to sections 104(e) and 122(e) of CERCLA, 42 U.S.C. sections 9604(e) and 9622(e), and section 3007 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. section 6927. Provision of false, fictitious, or fraudulent statements or representations to the United States may subject a Respondent to criminal penalties under 18 U.S.C. section 1001.

IX. COVENANTS NOT TO SUE BY EPA

21. In consideration of the payment that will be made by each Respondent under the terms of this Consent Order, and subject to the reservation of rights in Section XI, Paragraphs 23 and 24 of this Consent Order, EPA covenants not to sue or take administrative action against each such Respondent pursuant to sections 106(a) or 107(a) of CERCLA, 42 U.S.C. sections 9606(a) or 9607(a), and section 7003 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. section 6973, relating to the Site. These covenants not to sue shall take effect with respect to each Respondent upon the receipt by EPA of the payment from that Respondent required by Section V, Paragraphs 15 and 18 of this Consent Order. With respect to each Respondent, this covenant not to sue is conditioned upon the complete and satisfactory performance by that Respondent of its obligations under this Consent Order. These covenants not to sue extend only to the Respondents and do not extend to any other person.

X. COVENANTS NOT TO SUE BY RESPONDENTS

22. Each Respondent covenants not to sue and agrees not to assert any claims or causes of action against the United States or its contractors or employees with respect to the Site or this Consent Order, including, but not limited to, any direct or indirect claim for reimbursement from the Hazardous Substance Superfund (established pursuant to the Internal Revenue Code, 26 U.S.C. section 9507) through sections 106(b)(2), 111, 112, or 113 of CERCLA, 42 U.S.C. sections 9606(b)(2), 9611, 9612, or 9613, or any other provision of law, or any claims arising out of response activities at the Site. Nothing in this Consent Order shall be deemed to constitute preauthorization of a claim within the meaning of section 111 of CERCLA, 42 U.S.C. sections 9611, or 40 C.F.R. section 300.700(d).

XI. RESERVATIONS OF RIGHTS

23. The covenants not to sue by EPA set forth in Section IX, Paragraph 21 of this Consent Order, do not pertain to any matters other than those expressly specified in Paragraph 21. The United States, including EPA, reserves, and this Consent Order is without prejudice to, all rights against each Respondent with respect to all other matters, including but not limited to the following:

- a. claims based on a failure to make the payments required by Section VI, Paragraphs 15 and 18 of this Consent Order;
- b. criminal liability;
- c. liability for damages for injury to, destruction of, or loss of natural resources; or
- d. liability arising from the past, present or future disposal, release or threat of release of a hazardous substances or solid wastes outside the Site.

24. Notwithstanding any other provision in this Consent Order, the United States, including EPA, reserves, and this Consent Order is without prejudice to, the right to institute judicial proceedings or to issue an administrative order seeking to compel any Respondent to: (1) perform response actions relating to the Site; or, (2) reimburse the United States, including EPA, for additional costs of response if:

- a. information not contained in EPA's administrative site file as of the effective date of this Consent Order is discovered which indicates that such Respondent contributed hazardous substances to the Site in an amount greater than 2.1 % of the Total Volume of Hazardous Substances, or which indicates that such Respondent contributed hazardous substances which are significantly more toxic or are of significantly greater hazardous effect than other hazardous substances at the Site;
- b. information not contained in EPA's administrative site file is discovered that indicates that the Respondent contributed 500 or more drums of hazardous substances to the Site in excess of the number of drums indicated for the Respondent in the Volumetric Ranking and Waste-In List attached to this Order;
- c. response costs incurred at or in connection with the Site exceed \$6.0 million.

XII. EFFECT OF SETTLEMENT; CONTRIBUTION PROTECTION

25. Nothing in this Consent Order shall be construed to create any rights in, or grant any cause of action to, any person not a party to this Consent Order. The preceding sentence shall not be construed to waive or nullify any rights that any person not a signatory to this Consent Order may have under applicable law. The United States, including EPA, and the Respondents each reserve any and all rights (including, but not limited to, any right to contribution), defenses, claims, demands, and causes of action which each party may have with respect to any matter, transaction, or occurrence relating in any way to the Site against any person not a party hereto.

26. EPA and the Respondents agree that the actions undertaken by the Respondents in accordance with this Consent Order do not constitute an admission of any liability by any Respondent. The Respondents do not admit and retain the right to controvert in any subsequent proceedings, other than proceedings to implement or enforce this Consent Order, the validity of the Statement of Facts or Determinations contained in this Consent Order.

27. In any subsequent administrative or judicial proceeding initiated by the EPA or the United States on behalf of the EPA for injunctive relief, recovery of response costs, or other appropriate relief relating to the Site, the Respondents shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim-splitting, or other defenses based upon any contention that the claims raised in the subsequent proceeding were or should have been brought in the instant action; provided, however, that nothing in this Paragraph affects the enforceability of the covenants not to sue included in Section IX, Paragraph 21 of this Consent Order.

28. With regard to claims for contribution against each Respondent for matters addressed by this Consent Order, the Parties hereto agree that each Respondent is entitled, as of the effective date of this Consent Order, to such protection from contribution actions or claims as is provided by sections 113(f)(2) and 122(g)(5) of CERCLA, 42 U.S.C. sections 9613(f)(2) and 9622(g)(5). Such protection with respect to each Respondent is conditioned upon that Respondent's compliance with the requirements of this Consent Order.

29. Each Respondent agrees not to contest or otherwise challenge in any way EPA's selection and implementation of response actions at the Site.

XIII. PARTIES BOUND

30. This Consent Order shall apply to and be binding upon EPA and upon each of Respondents and their heirs, successors and assigns. Any change in ownership or corporate or governmental status of a Respondent including, but not limited to, any transfer of assets or real or personal property, shall in no way alter such Respondent's responsibilities under this Consent Order. Each signatory for a Respondent to this Consent Order represents that he or she is fully authorized to enter into the terms and conditions of this Consent Order and to bind legally the Respondent represented by him or her.

XIV. PUBLIC COMMENT

31. This Consent Order shall be subject to a thirty-day public comment period pursuant to section 122(i) of CERCLA, 42 U.S.C. section 9622(i), and section 7003 (d) of RCRA. In accordance with section 122(i)(3) of CERCLA, 42 U.S.C. Section 9622(i)(3), EPA may withdraw or modify its consent to this Consent Order if comments received disclose facts or considerations which indicate that this Consent Order is inappropriate, improper, or inadequate. In addition, EPA may choose to make this Consent Order effective as to some Respondents and not as to others if comments or information is received before the Consent Order's effective date which indicate this Consent Order is inappropriate, improper, or inadequate as to one or more of the Respondents, but not as to all.

XV. ATTORNEY GENERAL APPROVAL

32. The Attorney General or his/her designee must issue written approval of the settlement embodied in this Consent Order in accordance with section 122(g)(4) of CERCLA before it can take effect.

XVI. EFFECTIVE DATE

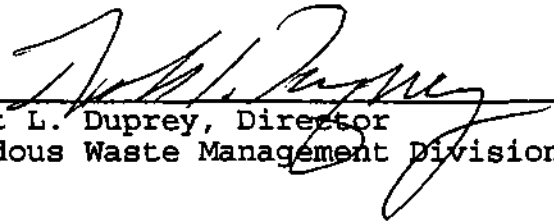
33. The effective date of this Consent Order shall be the date upon which EPA issues written notice to the Respondents that the public comment period pursuant to Section XIV, Paragraph 31 of this Consent Order has closed and that comments received, if any, do not require modification of or EPA withdrawal from this Consent Order.

XVII. COUNTERPARTS

34. This Consent Order may be executed in any number of counterparts, each of which when executed and delivered to EPA shall be deemed to be an original, but such counterparts shall together constitute one and the same document.

IT IS SO AGREED AND ORDERED:

U.S. Environmental Protection Agency

By: 
Robert L. Duprey, Director
Hazardous Waste Management Division

9/22/95
[Date]

Superseded

ATTACHMENT A

Hansen Container Site
SETTLEMENT REPORT

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67 A&F Auto Paint Supply Co.
78 Abex, Inc.
170 Achziger Oil Company, Inc.
167 Albright Oil Co., Inc.
142 American Can Company
172 American Gilsonite Co.
20 Arapahoe Chemicals (Syntex Chemicals)
179 Armco National Supply Co./Armco, Inc.
93 Asamera Oil Co.
26 Atlantic Richfield Company
42 Ball Metal Container
98 Baroid Corp. (Dresser Industries)
144 Beech Aircraft Corp. (nka Raytheon Aircraft Company)
162 Belt Salvage Co.
127 Benray Marble Prod., Inc.
49 Birko Corporation
37 BJ Hughes, Inc.
166 Boyles Bros. Drilling/Christensen Boyles Corporation
160 Burke Concrete/The Burke Co.
84 C.E. Natco/Natco
21 Celtite, Inc.
126 Century Hulbert, Inc./Century Lubricants
34 Chevron USA, Inc. (nka Gulf Oil Corporation)

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184 Circle A.W. Products
80 Cities Service Company
92 City of Arvada
91 City of Aurora
46 Climax Uranium Company (nka Cyprus Climax Metal Company)
176 Colorado Kanworth, Inc.
62 Colorado Paint Company
87 Columbia Paint
73 Continental Can Co.
122 Continental Insulating Co.
171 Coors Bio Tech Products
106 Coors Brewing Company
32 Coors Ceramic/Coors Porcelain
152 Coors Packaging
101 Crown Cork & Seal Company, Inc.
43 Dow Chemical
19 Dowell Co., Bob Butler (Division of Dow Chemical)
112 Electric Hose & Rubber Co./Dayco Products, Inc.
113 Energy Fuels Nuclear, Inc.
13 Ennis Paint Mfg., Inc.
23 Exxon Company, U.S.A.
49 Flint Ink Corp.
44 FMC Corporation

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153 Forest Fibre Products Co.
131 Fraley & Company, Inc.
56 Fremont Chemical Co.
158 Garrett Freightlines/ANR Freight Systems
47 Georgia Pacific Corporation
55 Giant Refining Co.
70 Glidden Paint Co.
205 Greif Bros. Corporation-Norco Division
22 Halliburton Services/ Halliburton Energy Services
60 Head Sports Wear (nka Head Sports, Inc.)
151 Headway Industries, Inc.
114 Holly Sugar Corporation
147 Hoyle Lowdermilk, Inc./Tectonic Construction Co.
83 Idarado Mining Co.
86 Inexco Oil Company/Louisiana Land & Exploration Co.
196 Inland Containers
132 Inland Oil/Karen Rasmussen/Siegel Oil Company
61 International Business Machines Corporation
76 Jefferson County
193 Jim Chelf, Inc./JC Trucking, Inc.
146 John DeBons Exxon
136 Joy Manufacturing Co. (nka Joy Technologies, Inc.)
24 Kaminsky Barrel Co.

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182 Kohl & Madden Printing Ink .
139 Lane Plywood, Inc.
52 Little America Refining Co.
121 Lowder, Val
125 Lucky MC Uranium/Pathfinder Mines Corp.
40 Marathon Oil Company
51 Mason & Hanger-Silas Mason Co., Inc.
57 Master Builders, Inc.
189 Matador Cattle Co.
27 McKesson Corporation (fka Foremost-McKesson, Inc.)
190 Mercedes Benz of North America, Inc.
181 Mesa County School District #51
191 MLM Distributing, Inc.
81 Mobil Oil Corporation
89 Molycorp, Inc./Molybdenum Corp. of America
102 Monsanto Chemical Company
177 Montana Metal Bldg., Inc.
168 Morrison-Knudsen Corp.
204 Mt. Bell Telephone
41 Nalco Chemical
69 National Cooperative Refinery Association
11 National Lead Company of Ohio
156 Neuman Transit Co.

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133 Northwest Exploration Co./Williams Field Services
154 Northwest Marine Iron Works (nka South West Marine)
85 Northwest Pipeline/Williams Field Services
66 Occidental Oil Shale, Inc./OXY USA Inc.
130 Okner's Supply Company
53 Packaging Corporation of America
54 Pepper Tank Company
35 Phillips Petroleum Company
104 Public Service Co. of Colorado
164 Public Service Co. of New Mexico
82 Pueblo Chemical & Supply Co.
141 Puritan Supply
95 Regal Fiberglass, Inc.
58 Reynolds Electrical & Engineering Co., Inc.
186 Rio Grande Motor Way, Inc.
143 Rockmont Envelope Co.
188 Rollins Trucks/Rollins Truck Rentals
124 Rosebud Coal Sales Co.
169 Ryder Truck Rental
118 Sam Hill Oil
120 Santa Fe Energy Resources
129 Shakertown Corp. (nka Winlock Wood Products)
16 Shell Oil Company

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71 Sinclair Oil Co.

134 Sohio Western Mining Company

50 SRP Treasurers Office

59 State of Arizona, Department of Transportation

123 State of California, Department of Transportation

14 State Of Colorado, Highway Department

111 State of Montana, Department of Transportation

63 State of Nevada, Department of Transportation

12 State of Wyoming, Highway Department

199 Steinfield Products Co.

77 Stimson Lumber Co.

28 Sun Chemical Corporation (nka Sequa Corporation)

88 Sun Oil Company/Oryx Energy Company

74 Sundstrand Corporation

75 Sweeney Mining & Milling Corp.

72 Tenneco, Inc.

195 Terra Resources, Inc. (nka Pacific Enterprises Oil Company)

119 Tesoro Petroleum Co.

15 Texaco, Inc./Texaco Ref. & Mktg./Texaco Expl. & Prod./Petrochemicals

185 Tolin Refrigeration Company

36 Union Chemical

116 Union Pacific Fruit Express Co.

202 University of Colorado at Boulder

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- 105 Unocal Corporation
- 18 Van Waters & Rogers, Inc.
- 68 Vertical Honeycomb/Verticel, Inc.
- 39 Wellborn Paint Manufacturing Co.
- 109 Waskem
- 108 Western Slope Gas Company
- 183 Westinghouse Electric Corporation
- 163 Williams, J.H.
- 173 Wyoming Refining Company/Hermes Consolidated, Inc.

Superseded

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<u>RANK</u>	<u>PRP</u>	<u>TOTAL DRUMS</u>	<u>PERCENT OF TOTAL</u>	<u>SETTLEMENT COST</u>
1	Allied Chemical Corporation	460,587.055	25.74	Ineligible
2	American Oil Company	281,062.490	15.71	Ineligible
3	Mallinckrodt, Inc./U.S. Department of Energy	247,295.820	13.82	Ineligible
4	Oil & Solvent Process Co./OSCO	89,648.731	5.01	Ineligible
5	Union Carbide Corporation	69,325.087	3.88	Ineligible
6	Kerr-McGee Corporation (also Kermac Nuclear Fuels Corp.)	68,630.075	3.84	Ineligible
7	Adolph Coors Company	60,846.500	3.40	Ineligible
8	Thiokol Corporation/U.S. Dept. of Defense/NASA	52,789.900	2.93	Ineligible
9	Eldorado Nuclear Limited	46,508.060	2.60	Ineligible
10	United States, Department of Defense	46,003.420	2.57	Ineligible
11	National Lead Company of Ohio	35,920.000	2.06	\$155,507.04
12	State of Wyoming, Highway Department	35,889.000	2.01	\$151,154.47
13	Ennis Paint Mfg., Inc.	21,455.085	1.20	\$90,368.82
14	State Of Colorado, Highway Department	20,096.275	1.12	\$84,645.51
15	Texaco, Inc./Texaco Ref. & Mktg./Texaco Expl. & Prod./Petrochemicals	10,557.390	0.59	\$44,467.73
16	Shell Oil Company	10,173.046	0.57	\$42,848.87
17	Ford Motor Company	9,852.000	0.55	\$41,496.62
18	Van Waters & Rogers, Inc.	8,984.530	0.50	\$37,842.84
19	Dowell Co., Bob Butler (Division of Dow Chemical)	8,941.125	0.50	\$37,660.02
20	Arapahoe Chemicals (Syntex Chemicals)	8,847.000	0.49	\$37,263.56

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<u>RANK</u>	<u>FRP</u>	<u>TOTAL DRUMS</u>	<u>PERCENT OF TOTAL</u>	<u>SETTLEMENT COST</u>
21	Celtite, Inc.	8,282.000	0.46	\$34,883.78
22	Halliburton Services/ Halliburton Energy Services	7,963.625	0.45	\$33,542.79
23	Exxon Company, U.S.A.	7,668.250	0.43	\$32,298.67
24	Kaminsky Barrel Co.	7,621.325	0.43	\$32,101.02
25	Dyce Sales & Engineering	6,333.000	0.35	\$26,674.60
26	Atlantic Richfield Company	6,162.600	0.34	\$25,956.87
27	McKesson Corporation (fka Foremost-McKesson, Inc.)	6,133.805	0.34	\$25,835.59
28	Sun Chemical Corporation (nka Sequa Corporation)	4,830.500	0.27	\$20,346.07
29	United States, General Services Admin.	4,682.655	0.26	\$19,723.34
30	Western Electric/AT&T	4,649.110	0.26	\$19,582.03
31	Kryptonics	4,554.000	0.26	\$19,181.45
32	Coors Ceramic/Coors Porcelain	4,492.000	0.25	\$18,920.30
33	Hercules, Inc./Alliant Techsystems, Inc.	4,263.400	0.24	\$17,913.12
34	Chevron USA, Inc. (nka Gulf Oil Corporation)	3,689.000	0.21	\$15,538.07
35	Phillips Petroleum Company	3,522.000	0.20	\$14,834.66
36	Union Chemical	3,507.000	0.20	\$14,771.48
37	BJ Hughes, Inc.	3,333.000	0.19	\$14,038.60
38	State of Texas, Department of Transportation	3,308.000	0.19	\$13,933.30
39	Wellborn Paint Manufacturing Co.	3,277.940	0.18	\$13,806.68

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<u>RANK</u>	<u>PRP</u>	<u>TOTAL DRUMS</u>	<u>PERCENT OF TOTAL</u>	<u>SETTLEMENT COST</u>
40	Marathon Oil Company	3,173.225	0.18	\$13,165.62
41	Nalco Chemical	3,115.000	0.17	\$13,120.38
42	Ball Metal Container	2,891.810	0.16	\$12,180.30
43	Dow Chemical	2,831.375	0.16	\$11,925.75
44	FMC Corporation	2,795.000	0.16	\$11,772.54
45	Birko Corporation	2,760.640	0.15	\$11,627.82
46	Climax Uranium Company (nka Cyprus Climax Metal Company)	2,653.000	0.15	\$11,174.44
47	Georgia Pacific Corporation	2,626.275	0.15	\$11,061.87
48	Buck's War Surplus	2,337.500	0.13	\$9,845.53
49	Flint Ink Corp.	2,320.625	0.13	\$9,774.47
50	SRP Treasurers Office	2,277.138	0.13	\$9,591.31
51	Mason & Hanger-Silas Mason Co., Inc.	2,145.000	0.12	\$9,034.74
52	Little America Refining Co.	1,964.000	0.10	\$7,851.17
53	Packaging Corporation of America	1,811.350	0.10	\$7,629.41
54	Pepper Tank Company	1,663.708	0.09	\$7,007.54
55	Giant Refining Co.	1,613.500	0.09	\$6,796.06
56	Fremont Chemical Co.	1,533.000	0.09	\$6,457.00
57	Master Builders, Inc.	1,509.250	0.08	\$6,356.96
58	Reynolds Electrical & Engineering Co., Inc.	1,499.000	0.08	\$6,313.79
59	State of Arizona, Department of Transportation	1,486.940	0.08	\$6,262.99

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<u>RANK</u>	<u>PRP</u>	<u>TOTAL DRUMS</u>	<u>PERCENT OF TOTAL</u>	<u>SETTLEMENT COST</u>
60	Head Sports Wear (nka Head Sports, Inc.)	1,421.500	0.08	\$5,987.36
61	International Business Machines Corporation	1,414.230	0.08	\$5,956.74
62	Colorado Paint Company	1,376.000	0.08	\$5,795.71
63	State of Nevada, Department of Transportation	1,365.625	0.08	\$5,752.01
64	Independent Petro-Chemical Association of Mountain States	1,259.000	0.07	\$5,302.91
65	Abbott, Dave	1,236.625	0.07	\$5,208.66 B
66	Occidental Oil Shale, Inc./OXY USA Inc.	1,205.000	0.07	\$5,075.46
67	A&F Auto Paint Supply Co.	1,173.250	0.07	\$4,941.73
68	Vertical Honeycomb/Vertical, Inc.	1,092.875	0.06	\$4,603.19
69	National Cooperative Refinery Association	1,077.000	0.06	\$4,536.32
70	Glidden Paint Co.	1,025.125	0.06	\$4,317.83
71	Sinclair Oil Co.	984.375	0.06	\$4,146.19
72	Tenneco, Inc.	946.000	0.05	\$3,984.55
73	Continental Can Co.	910.375	0.05	\$3,834.50
74	Sundstrand Corporation	883.000	0.05	\$3,719.20
75	Sweeney Mining & Milling Corp.	813.000	0.05	\$3,424.36
76	Jefferson County	812.250	0.05	\$3,421.20
77	Stimson Lumber Co.	810.750	0.05	\$3,414.88
78	Abex, Inc.	795.000	0.04	\$3,348.54
79	Mark Rite Lines of Montana, Inc.	782.000	0.04	\$3,293.78

B - Bankrupt

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<u>RANK</u>	<u>PRP</u>	<u>TOTAL DRUMS</u>	<u>PERCENT OF TOTAL</u>	<u>SETTLEMENT COST</u>
80	Cities Service Company	764.000	0.04	\$1,217.97
81	Mobil Oil Corporation	749.000	0.04	\$3,154.79
82	Pueblo Chemical & Supply Co.	684.000	0.04	\$2,881.01
83	Idarado Mining Co.	656.250	0.04	\$2,764.13
84	C.E. Natco/Natco	648.000	0.04	\$2,729.38
85	Northwest Pipeline/Williams Field Services	640.000	0.04	\$2,695.68
86	Inexco Oil Company/Louisiana Land & Exploration Co.	635.000	0.04	\$2,674.62
87	Columbia Paint	629.000	0.04	\$2,649.35
88	Sun Oil Company/Oryx Energy Company	620.000	0.04	\$2,611.44
89	Molycorp, Inc./Molybdenum Corp. of America	618.000	0.04	\$2,603.02
90	Valley Petroleum	612.500	0.03	\$2,579.85 D
91	City of Aurora	572.000	0.03	\$2,409.26
92	City of Arvada	564.920	0.03	\$2,379.44
93	Asamera Oil Co.	558.500	0.03	\$2,352.40
94	Page & Page Co./Pearless	547.475	0.03	\$2,305.96
95	Regal Fiberglass, Inc.	525.750	0.03	\$2,214.46
96	Thompson, Deryl	507.000	0.03	\$2,136.48
97	Coburn, Roy	501.000	0.03	\$2,110.21
98	Baroid Corp. (Dresser Industries)	500.000	0.03	\$2,106.00
99	Sooner Chemical Specialties, Inc.	500.000	0.03	\$2,106.00
100	B&W Insulation	474.000	0.03	\$1,996.49 D

D - Dissolved

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<u>RANK</u>	<u>PRF</u>	<u>TOTAL DRUMS</u>	<u>PERCENT OF TOTAL</u>	<u>SETTLEMENT COST</u>
101	Crown Cork & Seal Company, Inc.	462.000	0.03	\$1,945.94
102	United States, Department of Energy/Rockwell	432.000	0.02	Ineligible
103	Monsanto Chemical Company	431.925	0.02	\$1,819.27
104	Public Service Co. of Colorado	398.870	0.02	\$1,680.04
105	Unocal Corporation	395.000	0.02	\$1,663.74
106	Coors Brewing Company	373.000	0.02	\$1,571.08
107	George, Ray S.	359.000	0.02	\$1,512.11
108	Western Slope Gas Company	353.000	0.02	\$1,486.84
109	Waskem	350.000	0.02	\$1,474.20
110	Knoco Oil Co./K&N, Inc.	347.000	0.02	\$1,461.86 D
111	State of Montana, Department of Transportation	338.165	0.02	\$1,424.35
112	Electric Hose & Rubber Co./Dayco Products, Inc.	336.000	0.02	\$1,415.23
113	Energy Fuels Nuclear, Inc.	336.000	0.02	\$1,415.23
114	Holly Sugar Corporation	336.000	0.02	\$1,415.23
115	McBrides Insulation	336.000	0.02	\$1,415.23
116	Union Pacific Fruit Express Co.	336.000	0.02	\$1,415.23
117	Olsen, Mike	334.000	0.02	\$1,406.81
118	Sam Hill Oil	331.000	0.02	\$1,394.17
119	Tesoro Petroleum Co.	329.000	0.02	\$1,385.75
120	Santa Fe Energy Resources	317.000	0.02	\$1,335.20
121	Lowder, Val	314.000	0.02	\$1,322.57

D - Dissolved

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<u>RANK</u>	<u>PRP</u>	<u>TOTAL DRUMS</u>	<u>PERCENT OF TOTAL</u>	<u>SETTLEMENT COST</u>
122	Continental Insulating Co.	313.000	0.02	\$1,318.36
123	State of California, Department of Transportation	300.000	0.02	\$1,263.60
124	Rosebud Coal Sales Co.	293.000	0.02	\$1,234.12
125	Walters, Inc.	288.000	0.02	\$1,213.06
126	Century Hulbert, Inc./Century Lubricants	285.000	0.02	\$1,200.42
127	Benray Marble Prod., Inc.	279.250	0.02	\$1,176.20
128	U.S. Soil Conditioning	279.000	0.02	\$1,175.15
129	Shakertown Corp. (nka Winlock Wood Products)	275.625	0.02	\$1,160.93
130	Okner's Supply Company	266.000	0.02	\$1,120.39
131	Fraley & Company, Inc.	264.000	0.02	\$1,111.97
132	Inland Oil/Karen Rasmussen/Siegel Oil Company	252.000	0.01	\$1,061.42
133	Northwest Exploration Co./Williams Field Services	251.940	0.01	\$1,061.17
134	Sohio Western Mining Company	243.000	0.01	\$1,023.52
135	Lucky MC Uranium/Pathfinder Mines Corp.	227.000	0.01	\$956.12
136	Joy Manufacturing Co. (nka Joy Technologies, Inc.)	226.000	0.01	\$951.91
137	B-D Chemical	210.500	0.01	\$886.63
138	Stone Southwest/Home Forest Industries, Inc. Redford	200.250	0.01	\$843.45
139	Lane Plywood, Inc.	199.000	0.01	\$838.19
140	Bendix Field Engineering Corporation	187.000	0.01	\$787.64

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<u>RANK</u>	<u>PRP</u>	<u>TOTAL DRUMS</u>	<u>PERCENT OF TOTAL</u>	<u>SETTLEMENT COST</u>
141	Puritan Supply	188.000	0.01	\$779.22
142	American Can Company	168.000	0.009	\$707.62
143	Rockmont Envelope Co.	148.250	0.008	\$624.43
144	Beech Aircraft Corp. (nka Raytheon Aircraft Company)	138.000	0.008	\$581.26
145	Sigman Meat Co., Inc.	134.250	0.008	\$565.46 B
146	John DeBons Exxon	134.000	0.007	\$564.41
147	Hoyle Lowdermilk, Inc./Tectonic Construction Co.	130.000	0.007	\$547.56
148	United States, Dept. of Energy/Rifle Shale Oil Project	130.000	0.007	Ineligible
149	Coba Laboratories, Inc.	127.000	0.007	\$534.92
150	Franklin Oil Company	126.000	0.007	\$520.71
151	Headway Industries, Inc.	126.000	0.007	\$530.71
152	Coors Packaging	125.000	0.007	\$526.50
153	Forest Fibre Products Co.	123.750	0.007	\$521.24
154	Northwest Marine Iron Works (nka South West Marine)	117.000	0.007	\$492.80
155	Publication Printers Corp.	116.250	0.006	\$489.65
156	Neuman Transit Co.	115.000	0.006	\$484.38
157	Joe K. Staley Oil Company, Inc.	114.000	0.006	\$480.17
158	Garrett Freightlines/AMR Freight Systems	110.500	0.006	\$465.43
159	JS Skelly Fuel Co.	110.000	0.006	\$463.32 D
160	Burke Concrete/The Burke Co.	107.000	0.006	\$450.68

B - Bankrupt
 D - Dissolved

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<u>RANK</u>	<u>PRP</u>	<u>TOTAL DRUMS</u>	<u>PERCENT OF TOTAL</u>	<u>SETTLEMENT COST</u>
161	Great Western Chemical	102.000	0.006	\$429.62
162	Belt Salvage Co.	100.000	0.006	\$421.20
163	Williams, J.H.	100.000	0.006	\$421.20
164	Public Service Co. of New Mexico	98.500	0.006	\$414.88
165	Schieswohl Oil Co./Union Oil Co. Jobber	96.361	0.005	\$405.87
166	Boyles Bros. Drilling/Christensen Boyles Corporation	93.000	0.005	\$391.72
167	Albright Oil Co., Inc.	92.000	0.005	\$387.50
168	Morrison-Knudsen Corp.	92.000	0.005	\$387.50
169	Ryder Truck Rental	89.500	0.005	\$376.97
170	Achziger Oil Company, Inc.	89.000	0.005	\$374.87
171	Cocrs Bio Tech Products	86.000	0.005	\$362.23
172	American Gilsonite Co.	84.875	0.005	\$357.49
173	Wyoming Refining Company/Hermes Consolidated, Inc.	84.000	0.005	\$353.81
174	Lang, Carl	76.750	0.004	\$323.27
175	Cain, Jack	76.000	0.004	\$320.11
176	Colorado Kenworth, Inc.	73.750	0.004	\$310.64
177	Montana Metal Bldg., Inc.	73.500	0.004	\$299.58
178	Butcher Boy Corp.	68.750	0.004	\$289.58
179	Armco National Supply Co./Armco, Inc.	68.000	0.004	\$286.42
180	Bakker, Glen L.	68.000	0.004	\$286.42
181	Mesa County School District #51	68.000	0.004	\$286.42

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<u>RANK</u>	<u>PRP</u>	<u>TOTAL DRUMS</u>	<u>PERCENT OF TOTAL</u>	<u>SETTLEMENT COST</u>
182	Kohl & Madden Printing Ink	67.000	0.004	\$282.20
183	Westinghouse Electric Corporation	60.000	0.003	\$252.72
184	Circle A.W. Products	51.885	0.003	\$218.54
185	Tolin Refrigeration Company	51.000	0.003	\$214.81
186	Rio Grande Motor Way, Inc.	50.250	0.003	\$211.65
187	G.S.I. Supply, Inc.	48.000	0.003	\$202.18
188	Rollins Trucks/Rollins Truck Rentals	48.000	0.003	\$202.18
189	Matador Cattle Co.	44.000	0.002	\$185.33
190	Mercedes Benz of North America, Inc.	40.500	0.002	\$170.59
191	MLM Distributing, Inc.	40.000	0.002	\$168.48
192	Miller, Les	39.000	0.002	\$164.27
193	Jim Chelf, Inc./JC Trucking, Inc.	37.500	0.002	\$157.98
194	Future Plastics	35.000	0.002	\$147.42
195	Terra Resources, Inc. (nka Pacific Enterprises Oil Company)	35.000	0.002	\$147.42
196	Inland Containers	31.000	0.002	\$130.57
197	Lund, Gary	28.000	0.002	\$117.94
198	United States, Bureau of Reclamation	28.000	0.002	\$117.94
199	Steinfeld Products Co.	25.000	0.001	\$105.30
200	AAMCO Industries, Inc.	22.000	0.001	\$92.66
201	Thompson, Jared	22.000	0.001	\$92.66
202	University of Colorado at Boulder	19.000	0.001	\$80.03
203	Holtz, Russell	16.000	0.001	\$67.39

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<u>RANK</u>	<u>PRE</u>	<u>TOTAL DRUMS</u>	<u>PERCENT OF TOTAL</u>	<u>SETTLEMENT COST</u>
204	Mt. Bell Telephone	11.000	0.001	\$46.33
205	Greif Bros. Corporation-Norco Division	10.000	0.001	\$42.12
Totals:		1,789,081.166	100.000	

Settlement cost calculation: Drums x Cost per Drum + Premium